

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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|--------------------------|-------------------------------|
| SAPPHIRE CROSSING LLC, |) |
| |) |
| Plaintiff, |) |
| |) |
| v. |) C.A. No. 18-1717 (MN) (CJB) |
| |) (Consolidated) |
| ROBINHOOD MARKETS, INC., |) |
| |) |
| Defendant. |) |
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| SAPPHIRE CROSSING LLC, |) |
| |) |
| Plaintiff, |) |
| |) |
| v. |) C.A. No. 20-726 (MN) (CJB) |
| |) |
| EXPENSIFY, INC., |) |
| |) |
| Defendant. |) |

ORDER ADOPTING REPORT AND RECOMMENDATION

At Wilmington, this 2nd day of February 2021:

WHEREAS, on January 15, 2021, Magistrate Judge Burke issued a Report and Recommendation (“the Report”) (D.I. 123 in C.A. No. 18-1717; D.I. 31 in C.A. No. 20-726) in these actions, recommending that the Court grant-in-part and deny-in-part Defendant Robinhood Markets, Inc.’s and Defendant Expensify, Inc.’s motions to dismiss filed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (D.I. No. 116 in C.A. No. 18-1717; D.I. 11 in C.A. No. 20-726); and

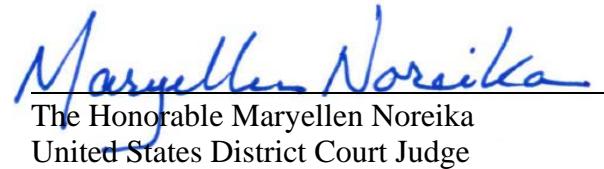
WHEREAS, no party filed objections to the Report pursuant to 72(b)(2) of the Federal Rules of Civil Procedure in the prescribed period, and the Court finding no clear error on the face of the record;

THEREFORE, IT IS HEREBY ORDERED, that the Report and Recommendation is ADOPTED.

Defendant Robinhood Markets, Inc.'s Motion to Dismiss (D.I. 116 in C.A. No. 18-1717) is GRANTED-IN-PART and DENIED-IN-PART. The divided direct infringement claims alleged in the First Amended Complaint (D.I. 109) are DISMISSED WITH PREJUDICE. The willful infringement claims alleged in the First Amended Complaint (D.I. 109) are DISMISSED WITHOUT PREJUDICE. The motion is DENIED as to all other requested relief.

Defendant Expensify, Inc.'s Motion to Dismiss (D.I. 11 in C.A. No. 20-726) is GRANTED-IN-PART and DENIED-IN-PART. The divided direct infringement claims alleged in the Complaint (D.I. 1) are DISMISSED WITH PREJUDICE. The motion is DENIED as to all other requested relief.

IT IS FURTHER ORDERED that Plaintiff shall have fourteen (14) days to file a further amended Complaint in C.A. No. 18-1717 as to Robinhood Markets, Inc. to cure the deficiencies as to the claims for willful infringement only.



The Honorable Maryellen Noreika
United States District Court Judge